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FILED
HARRISBURG, PA

MAY 30 2002

MARY E. D'ANDREA, CLERK
Per _____

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHAN HUE,

Plaintiff, : Civil No. 01-CV-1064
v. : (Judge Kane)
JAMES UPDIKE, et al., : (Magistrate Judge Smyser)✓
Defendants. :

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, by and through their counsel, Marsha M. Davis of the Office of Chief Counsel, Pennsylvania Department of Corrections, hereby move this Court pursuant to Fed.R.C.P. 56, to recommend that their summary judgment motion be granted and that judgment be entered in their favor and against the Plaintiff based upon the exhibits appended to this motion and for the reasons set forth in the supporting brief.

WHEREFORE, the Defendants request that the Court recommend that their Motion for Summary Judgment be granted and that judgment be entered in favor of these Defendants and against the Plaintiff and that the Court is further requested to grant such other relief as may be necessary, just, and appropriate under the circumstances.

Respectfully submitted,
Office of General Counsel

BY: Marsha M. Davis
Marsha M. Davis
Assistant Counsel
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Office of Chief Counsel
55 Utley Drive
Camp Hill Pennsylvania 17011
(717) 731-0444

Dated: May 30, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PHAN HUE,

Plaintiff, : Civil No. 01-CV-1064

v. : (Judge Kane)

JAMES UPDIKE, et al., : (Magistrate Judge Smyser)

Defendants. :

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of Defendants' Motion for Summary Judgement in the above-referenced matter.

Service by first-class mail addressed as follows:

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SCI-Retreat
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Hunlock Creek, Pa. 18621

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Marilyn Jones
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Dated: May 30, 2002